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PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of D. Swistak et al.

Date: November 29, 2005

Serial No. 10/677,772

Examiner: T. Mayo

Filed: 10/1/03

Art Group: 3671

For: Leaching Chamber with Inward Flaring Sidewall Perforations

Atty Docket No. 2313

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents

Please enter the amendment in the attached Claims Status to enable allowance or better appeal.

REMARKS

Applicants' attorney spoke with the examiner on or about November 15, 2005, about the final rejection and possible amendments. The examiner indicated she was unlikely to change her mind with respect to proposals then made.

The enclosed amendment is somewhat different from that proposed in the conversation. Applicants request entry. There are no new issues presented. Applicants hope examiner will reconsider and allow the amended claims. If not, entry of the amendments will provide better basis for appeal.

The matter of now-cancelled claim 2 (unperforated top), claim 3 (curved sidewalls) and claim 6 (slots running lengthwise) have been included in claim 1.

The reasons for allowance are as follows: Claim 3 was rejected based on DeTuillo '925 showing curved sidewalls, notwithstanding that applicants submit DeTuillo shows planar walls and a curved top (Fig. 5.). In doing so, examiner characterizes the top of a chamber as being as being only the apex. Applicants disagree that view of sidewall vs. top is consistent with the art. But, their enclosed amendments countenance examiner's view.

In amended claim 1, there is distinction made between a solid unperforated top and the curved sidewall having perforations. From examiner's perspective, the DeTuillo chamber has a curved sidewall portion (near the apex). Thus, a curved DeTuillo sidewall has no perforations. The DeTuillo chamber has a planar portion sidewall. That sidewall is perforated. Thus, DeTuillo teaches away from the claim 1 invention. The invention is not obvious within the other art cited, within the meaning of 35 USC 103.

Amended claim 1 characterizes the slots as running horizontally. The dictionary definition